IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1055 OF 2005

Shri Shankar Kondiba Pawar : Petitioner
V/s.
Yashomandir Sahakari Patpedhi Ltd. & Ors. : Respondents

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Mr. R. V. Bansode instructed by Mr. S. Yadav for the petitioner.
Mr. Vijay Patil for respondent No.1.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE : MARCH 14, 2005.

P.C.:

1. The petitioner is aggrieved by order dated 30.12.2004 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai division, by which the petitioner has been directed to pay 50% amount of recoverable dues. It is observed in the order that in view of the provisions contained in sub-section (2A) of section 154 of the Maharashtra Co-operative Societies Act, 1960, revision petition can only be entertained if 50% of the amount is deposited. We do not find any infirmity in the order.

2. The learned counsel for the petitioner submits that he

will comply with the order, but because of financial difficulty, he cannot pay the entire amount immediately. However, he undertakes to re-pay the entire amount within four months from today in four monthly instalments. We direct the respondents to to accept 50% amount of recoverable dues within four months as under:-

(i) 1st instalment is due and payable on 1.4.2005;

(ii) 2nd instalment is due and payable on 1.5.2005;

(iii) 3rd instalment is due and payable on 1.6.2005l; and

(iv) 4th instalment is due and payable on 1.7.2005.

3. The revision application may be heard immediately after all the instalments are deposited by the petitioner. In case there is any default in payment, this order would be of no avail to the petitioner and the original award will be liable to be executed.

4. In view of the statement of the learned counsel for the petitioner, on instructions from the petitioner, till he pays the instalments, the salary of the petitioner shall not be attached.

5. No further directions are necessary. This petition is, accoridngly, disposed of.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.